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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,494	09/05/2003	Dirk Balfanz	PARC-DA2124-US-CIP1	8357
35699 7590 12/15/2008				
PVF -- PARC				
c/o PARK, VAUGHAN & FLEMING LLP				
2820 FIFTH STREET				
DAVIS, CA 95618-7759				
EXAMINER				
PATIL, NIRAV B				
ART UNIT		PAPER NUMBER		
2435				
MAIL DATE		DELIVERY MODE		
12/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,494

Applicant(s)

BALFANZ ET AL

Examiner

NIRAV PATEL

Art Unit

2435

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on Oct. 09, 2008 has been entered. Claims 1-6, 9-20, 23-25 are pending. Claims 1, 13, 16 are also amended by the applicant.

Claim Objections

2. Claims 1, 13, 16 are objected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 13, 16 recite the limitation "a bidirectional channel **that does not have to be the preferred channel**", and the second channel **need not be** location-limited..." which fails to provide specifics on the scope of the limitation.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 13, 16 and 17 are rejected under 35 USC 103 (a) for being unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 - Publication Date 08/02/2000, submitted with IDS) in view of Walker (US Pub. No. 2003/0093663) and in view of Traw et al (US Patent No. 6,542,610).

As per claim 1, Hermann discloses:

establishing communication between a provisioning device and a network device over a preferred channel [Fig. 1, 2, paragraph 0019]; wherein said preferred channel is a location-limited channel [Fig. 1, 2, paragraph 0026, 0035] which has a demonstrative identification property and an authenticity property [paragraph 0026, 0027]; exchanging key commitment information over said preferred channel between said provisioning device and said network device to pre-authenticate said network device [Fig. 1, 2 paragraph 0020, 0021, 0022]; providing provisioning information to said network device over said preferred channel [Fig. 1, 2, paragraph 0020, 0021, 0022].

Walker teaches: establishing communication between the provisioning device and the network device over a preferred channel, wherein the preferred channel is a bidirectional [Fig. 1, paragraph 0018], proving a first set of provisioning information which is used exclusively to establish secure and authenticated communication between the provisioning device and the said network device using a second channel, wherein the second channel need not be location-limited and other provisioning information [Fig. 1, paragraph 0017, 0018, 0024, 0028, 0033]; whereby said network device can automatically configure itself for secure communication over a network responsive to said first and other provisioning information, wherein the secure communication can be over the second channel [Fig. 1, 0017, 0018, 0024, 0028].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Walker with Hermann, since one would have been

motivated to establish secure communication channel between the devices [Walker, paragraph 0002].

Walker teaches transmitting the key information and authenticating the network device [paragraph 0029, 0031, 0032].

Traw teaches pre-authenticating said network device, wherein pre-authenticating said network device involves: exchanging key commitment information between the provisioning device and said network device over said bidirectional preferred channel [Fig. 3(a), col. 7 lines 16-41], exchanging certificates/keys between the provisioning device and said network device over a bidirectional channel [Fig. 3(a)]; verifying the received certificates/keys using the received key commitment information on both the said provisioning device and the network device [Fig. 3(a), 4(a), col. 7 lines 17-55, col. 8 lines 43-66].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Traw with Hermann and Walker, since one would have been motivated to authenticate devices for determining compliant devices in an insecure communication network [Traw, col. 1 lines 55-65].

As per claim 2, the rejection of claim 1 is incorporated and Hermann discloses:

said provisioning information comprises network configuration information [paragraph 0021 lines 38-40].

As per claim 13, it encompasses limitations that are similar to those of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 16, it encompasses limitations that are similar to those of claim 1. Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 17, the rejection of claim 16 is incorporated and it encompasses limitations that are similar to those of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

4. Claims 3-6, 12, 14, 18-20 and 25 are rejected under 35 USC 103 (a) for being unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 - Publication Date 08/02/2000, submitted with IDS) in view of Walker (US Pub. No. 2003/0093663) in view of Traw et al (US Patent No. 6,542,610) and in view of Harrisville-Wolff et al (US Pub. No. 2004/0030887).

As per claim 3, the rejection of claim 1 is incorporated and Hermann teaches receiving a key from the network device [Fig. 1, 2, paragraph 0021].

Harrisville-Wolff teaches: receiving a public key from said network device [paragraph 0019 lines 3-5]; verifying said public key with said key commitment information [paragraph 0019 lines 5-12]; and automatically provisioning said network device with a credential authorized by a credential issuing authority [paragraph 0018 lines 14-20].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Harrisville-Wolff with Hermann, Walker and Traw, since one would have been motivated to provide secure transactions and communications between any two devices [Harrisville-Wolff, paragraph 0010 lines 1-5].

As per claim 4, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: establishing proof that said network device is in possession of a private key corresponding to said public key [paragraph 0012 lines 17-21].

As per claim 5, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: said credential issuing authority is a certification authority and said credential is a public key certificate [Fig. 2, paragraph 0018 lines 14-20].

As per claim 6, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: the step of automatically provisioning is responsive to authorization from a registration agent paragraph 0023 lines 10-13].

As per claim 12, the rejection of claim 1 is incorporated and Harrisville-Wolff teaches: said provisioning device is in communication with a credential issuing authority [Fig. 1, 2].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to those of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 18, the rejection of claim 16 is incorporated and it encompasses limitations that are similar to those of claim 3. Thus, it is rejected with the same rationale applied against claim 3 above.

As per claim 19, the rejection of claim 18 is incorporated and Hermann teaches:
a key exchange mechanism configured to be able to perform a key exchange protocol with said network device paragraph 0014 lines 41-43].

As per claim 20, the rejection of claim 18 is incorporated and it encompasses limitations that are similar to those of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 25, the rejection of claim 16 is incorporated and it encompasses limitations that are similar to those of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

5. Claims 9 and 15 are rejected under 35 USC 103 (a) for being unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 - Publication Date 08/02/2000, submitted with IDS) in view of Walker (US Pub. No. 2003/0093663) in view of Traw et al (US Patent No. 6,542,610) and in view of Thompson et al (US Pub. No. 2002/0022483).

As per claim 9, the rejection of claim 1 is incorporated and Harrisville-Wolff teaches the network is a wireless network [paragraph 0021].

Thompson teaches the network is a wireless network, and wherein said provisioning device is a wireless access point [Fig. 1].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Thompson with Hermann, Walker and Traw, since one would have been motivated to provide secure communication session in the wireless communication [Hermann, paragraph 0019 line 5].

As per claim 15, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to those of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

6. Claims 10, 11, 23 and 24 are rejected under 35 USC 103 (a) for being unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 - Publication Date 08/02/2000, submitted with IDS) in view of Walker (US Pub. No.

2003/0093663) and in view of Thompson et al (US Pub. No. 2002/0022483) in view of Traw et al (US Patent No. 6,542,610) and in view of Harrisville-Wolff et al (US Pub. No. 2004/0030887).

As per claim 10, the rejection of claim 9 is incorporated and Thompson teaches:

receiving a wireless communication [Fig. 1]; determining whether said wireless communication originated from said network device or from a second network device that was not provisioned by said wireless access point; and routing said wireless communication responsive to the step of determining [Fig. 4 step 410, 412].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Harrisville-Wolff with Hermann, Traw, Mizikovsky and Thompson, since one would have been motivated to provide secure transactions and communications between any two devices [Harrisville-Wolff, paragraph 0010 lines 1-5].

As per claim 11, the rejection of claim 10 is incorporated and Thompson teaches:

choosing a selected channel from a secure channel and an insecure channel responsive to the step of determining; and sending said wireless communication through said selected channel [Fig. 4, paragraph 0116, 0118-0121].

As per claim 23, the rejection of claim 22 is incorporated and it encompasses limitations that are similar to those of claim 10. Thus, it is rejected with the same rationale applied against claim 10 above.

As per claim 24, the rejection of claim 23 is incorporated and it encompasses limitations that are similar to those of claim 11. Thus, it is rejected with the same rationale applied against claim 11 above.

Response to Amendment

7. Applicant has amended claims 1, 13 and 16 which necessitated new ground of rejection. See rejection above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

/N. P./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435